

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jesse Epps, #287865,)	C.A. No. 8:08-2476-TLW-BHH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
McKither Bodison, Warden of Lieber)	
Correctional Institution)	
)	
Respondent.)	
)	

The *pro se* petitioner, an inmate at the South Carolina Department of Corrections, seeks *habeas corpus* relief under Title 28, United States Code, Section 2254. (Doc. # 1.) The respondent filed a return and motion for summary judgment on September 22, 2008. (Docs. 11 & 12.) Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised by Order filed August 18, 2008 that she had thirty-four (34) days to file any material in opposition to the motion for summary judgement. (Doc. # 13.) Petitioner failed to respond and on November 5, 2008, United States Magistrate Judge Bruce Howe Hendricks advised the petitioner that failure to file a responsive brief to respondent's motion for summary judgement his petition may subject his Petition to dismissal for failure to prosecute. (Doc. # 14.) Petitioner was given until December 1, 2008 to respond. Id. On December 1, 2008, petitioner filed a response. (Doc. # 16.)

On March 12, 2009, pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.), Magistrate Judge Hendricks filed a Report and Recommendation (the "Report") on respondent's motion for summary judgment. (Doc. # 11.) Therein Magistrate Judge Hendricks recommended that respondent's motion for summary judgment be granted. (Doc. # 19.) This matter is now before

the Court upon the magistrate judge's recommendation that the respondents' motion for summary judgment be granted.

This Court is charged with conducting a de novo review of any portion of the magistrate judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the magistrate judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is hereby **ORDERED** that the magistrate judge's Report is **ACCEPTED** (Doc. # 19), and respondents' motion for summary judgment is **GRANTED** (Doc. # 11), and petitioner's petition (Doc. # 1) is **DISMISSED** with prejudice.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

April 7, 2009
Florence, South Carolina